

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

IN RE:	)	
	)	
ROGER DALE SNELL	)	Bankr. Case No. 08-50643
BARBARA FAYE SNELL,	)	Chapter 13
	)	
Debtors.	)	
-----	)	
W. CLARKSON McDOW, JR.	)	
UNITED STATES TRUSTEE	)	
FOR REGION FOUR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adversary Proceeding No. _____
	)	
ROGER DALE SNELL	)	
BARBARA FAYE SNELL,	)	
	)	
Defendants.	)	

**COMPLAINT OBJECTING TO DISCHARGE**  
**11 U.S.C. § 1328(F)(1)**

W. Clarkson McDow, Jr. ("U.S. Trustee"), United States Trustee for Region Four, by counsel, hereby files this Complaint, pursuant to section 1328(f)(1) of the Bankruptcy Code, objecting to the discharge of the defendants, Roger Dale Snell and Barbara Faye Snell. In support of this Complaint, the U.S. Trustee states as follows:

Jurisdiction and Venue

1. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(J).
2. The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334.
3. Roger Dale Snell and Barbara Faye Snell ("defendants") are residents of Stuarts

Draft (Augusta County), Virginia.

4. On June 26, 2008, the defendants filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code in the instant case.

5. Previously, on May 17, 2005, the defendants filed a petition for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of Virginia, Harrisonburg Division. The case was converted to a case under Chapter 7 on. See Case No. 05-50832.

6. On August 16, 2005, the defendants received a Chapter 7 discharge in Case No. 05-50832, in the United States Bankruptcy Court for the Western District of Virginia, Harrisonburg Division.

7. Pursuant to 11 U.S.C. 1328(f)(1), debtors may not receive a discharge under Chapter 13 of the Bankruptcy Code if they are granted a Chapter 7 discharge in a case filed during the four-year period preceding their Chapter 13 filing.

8. Here, the defendants initiated this Chapter 13 proceeding within four years of the date they commenced Case No. 05-50832. Accordingly, the defendants are not entitled to receive a discharge in this case.

WHEREFORE, the U.S. Trustee respectfully requests that this Court issue an order denying the defendants' discharge in this case.

Dated: July 11, 2008

W. CLARKSON MCDOW, JR.  
United States Trustee for Region Four

By: /s/ Margaret K. Garber

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